

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director / (954)
797-1101

PREPARED BY: David M. Abramson, Acting Deputy Planning and Zoning
Manager

SUBJECT: Quasi Judicial Hearing: Rezoning Application, ZB 5-4-07/07-
112/Washington Mutual (Westport Plaza)/6505 Nova Drive/Generally located on the
northwest corner (intersection) of Davie Road and Nova Drive

AFFECTED DISTRICT: District 1

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING APPLICATION ZB 5-4-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-4 (COUNTY), LIMITED HEAVY INDUSTRIAL DISTRICT TO B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

The subject site has been developed as a commercial shopping complex (Westport Plaza). Washington Mutual is requesting site plan modification approval to add a new one-story financial institution consisting of 4,000 sq. ft. to a vacant parcel within the existing complex.

The purpose of this request is to rezone the subject site from M-4 (County), Limited Heavy Industrial District to a valid Town of Davie zoning district, B-3, Planned Business Center District. This request is in conformance the Town of Davie Code of Ordinances requiring all parcels under development to be designated with a Town of Davie zoning designation, adopted by Ordinance 2003-21 on June 4, 2003.

This rezoning is also consistent with the Comprehensive Plan and Land Development Code. Development of subject site as proposed does not exceed what was anticipated by the Future Land Use Plan Map designation, which is Regional Activity Center.

Staff finds that the rezoning request complies with the general purpose of the proposed B-3, Planned Business Center District. This rezoning request is in conformance with all applicable Codes and Ordinances and is consistent with the other surrounding zoning districts. Furthermore, this rezoning request can be considered compatible with the existing buildings and associated uses on and adjacent to the subject site.

PREVIOUS ACTIONS:

At the October 17, 2007 Town Council meeting, Rezoning Application (ZB 5-4-07, Westport Business Park) was approved on the first reading. **(Motion carried 5-0)**

CONCURRENCES:

At the September 26, 2007 Planning and Zoning Board meeting, Vice-Chair Stevens made a motion, seconded by Mr. Busey, to approve Rezoning Application, ZB 5-4-07 "Washington Mutual (Westport Plaza)." **(Motion carried 5-0)**

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S):

Staff finds the application complete and suitable for transmittal to the Town Council for further consideration subject to the following condition:

1. The property owner has offered to execute a declaration of restrictive covenant, recorded at Broward County Records, ensuring that the subject site not permitted uses consisting of Auction house, Adult arcade amusement center, Bingo establishments/Casinos/Gambling establishments, Bowling alley, Skating hall, Convenience stores, Dry cleaning plants, Game room, Arcade, Mobile home sales, Parking lot, Rental, Pawnshop, Sexually oriented business, and Tattoo parlors.
2. Provide an executed and recorded "Unity of Title" or "Unity of Development" showing same ownership of all subject parcels located within the Westport Plaza Shopping Center. Note, if subject parcels are ever individually sold off under different ownership, based on the Land Development Code's Conventional Non-Residential Development Standards, the subject parcels are considered non-conforming and do not meet minimum technical requirements of the B-3, Planned Business Center District

Attachment(s): Ordinance, Planning Report

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING APPLICATION ZB 5-4-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-4 (COUNTY), LIMITED HEAVY INDUSTRIAL DISTRICT TO B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed **FROM:** M-4 (County), Limited Heavy Industrial District **TO:** B-3, Planned Business Center District; and

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from M-4 (County), Limited Heavy Industrial District to B-3, Planned Business Center District;

- a. The subject property is described in Exhibit "A," which is attached hereto and made a part hereof;

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as B-3, Planned Business Center District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2007.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2007.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.

Revision(s): 9/27/07

Staff Report and Recommendation

Surrounding Land

	<u>Surrounding Use(s):</u>	<u>Use</u>	<u>Plan</u>	<u>Map</u>
North:	Racetrac Gas Station, Lake	<u>Designation(s):</u>	Regional	Activity
Center				
South:	McFatter Vocational Center		Regional	Activity
Center				
East:	Hess Gas Station		Regional	Activity
Center				
West:	Westport Business Park		Regional	Activity
Center				

	<u>Surrounding Zoning(s):</u>
North:	M-4 (County), Limited Heavy Industrial District
South:	CF, Community Facility District
East:	M-4 (County), Limited Heavy Industrial District
West:	BP, Business Park District

Zoning History

Related zoning history:

The Town of Davie Council approved the Regional Activity Center Future Land Use Classification for the area including the subject site on September 17, 1997. The subject site was annexed into the Town of Davie in 1985, records indicate that the existing Zoning Classification were in place at the time of annexation. A stipulated settlement agreement approved in 1985, established the “Forman Code” applicable to the annexed lands.

Previous requests on same property:

Site Plan Application (SP 12-2-00, Westport Plaza), on March 21, 2001 the Town of Davie Council approved site plan application for commercial buildings on the subject site.

Concurrent Request(s) on same property:

Site Plan Modification Application (SPM 10-1-06), the petitioner requests site plan modification approval to develop a one-story financial institution consisting of 4,000 sq. ft. on vacant portion of the subject site.

Delegation Application (DG 1-2-07, Washington Mutual (Westport Plaza)), the petitioner requests approval to amend an existing access easement on the “Westport Business Park, Parcels A & B” plat recorded through Plat Book 143, Page 5.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code (Section 12-305), Rezoning, Special Permits, Variances, and Vacations or Abandonments of Rights-of-Way, the purpose of this division is to guide the processing and granting of rezonings, special permits, variances and vacations or abandonments of rights-of-way in a manner consistent with the Town of Davie Comprehensive Plan, existing development and in a manner which protects the public health, safety and welfare.

Land Development Code (Section 12-24 (J)(6)), (6) the B-3 District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to meet the shopping and service needs of large sections of the town or metropolitan areas. Such business generally requires considerable ground area, do not cater directly to pedestrians, and need a conspicuous and accessible location convenient for motorists.

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to lands designated Industrial on Nova Drive.

Broward County Land Use Plan:

The subject site falls within Flexibility Zone 99.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Policy 5-2: The (re)zoning, (re)platting, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Use portion of the Implementation Section.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-2: No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-6: Town land development regulations shall address incompatible land uses through requirements such as buffering and setbacks.

Application Details

Presently, the subject site has been developed as a commercial shopping complex (Westport Plaza) with a portion of the property still vacant. The associated site plan modification application (SPM 10-1-06) proposes to add a new one-story financial institution consisting of 4,000 sq. ft. to the vacant parcel within the existing complex.

The subject site is zoned M-4 (County), Limited Heavy Industrial District. Adjacent uses consist of a lake and Racetrac Gas Station zoned M-4 (County), Limited Heavy Industrial District to the north; a Hess Gas Station zoned M-4 (County), Limited Heavy Industrial District to the east; McFatter Vocational Center zoned CF, Community Facility District to the south; and Westport Business Park zoned BP, Business Park District.

The subject site's zoning of M-4 (County), Limited Heavy Industrial District is not a valid Town of Davie zoning district. Therefore, as a condition of the site plan modification application and at staff's request, the property owner agreed to rezone the 7.13 acres subject site to a Town designation. The petitioner (Coker & Feiner) requests to rezone the subject site from M-4 (County), Limited Heavy Industrial District to B-3, Planned Business Center District.

The subject site Land Use Plan designation is Regional Activity Center (RAC), and the M-4 (County), Limited Heavy Industrial District zoning designation is consistent with the underlying land use.

Public Participation

The public participation process provides the ability for citizens of the Town of Davie to actively participate in the Town's development procedures. The petitioner conducted meetings with the public at the Town of Davie Pioneer Room on August 7, 2007 and August 14, 2007. Attached is the petitioner's Citizen Participation Report.

Staff Analysis

The purpose of this request is to rezone the subject site from B-3, Planned Business Center District to a valid Town of Davie zoning district, B-3, Planned Business Center District. This request is in conformance the Town of Davie Code of Ordinances requiring all parcels under development to be designated with a Town of Davie zoning designation, adopted by Ordinance 2003-21 on June 4, 2003.

The Planned Industrial Park District zoning permits for the development of commercial uses without giving up the more desirable uses allowed under the M-4 (County) District. Additionally, Planned Industrial Park District would prohibit many undesirable heavy industrial uses that are permitted by M-4 (County), Limited Heavy Industrial District.

This rezoning is also consistent with the Comprehensive Plan and Land Development Code. Development of subject site as proposed does not exceed what was anticipated by the Future Land Use Plan Map designation, which is Regional Activity Center.

The following information is staff's analysis based on the criteria established in the Town of Davie's, Land Development Code, Section 12-307(A)(1) for rezoning applications:

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The Comprehensive Plan allows parcels within the Future Land Use Plan Map designation of Regional Activity Center to be rezoned to the B-3, Planned Business Center District.

- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

Rezoning the subject site from M-4 (County), Limited Heavy Industrial District, to B-3, Planned Business Center District will allow the existing commercial uses on the subject site. This proposed rezoning is considered to be related and compatible with the adjacent commercial developments to north, east, and west. However, none of the existing commercial uses are presently zoned B-3, Planned Business Center District.

- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;

The boundary lines precisely correspond to the Westport Plaza and the rezoning request is logical since the overall subject site meets the requirements to gain the zoning designation.

- (d) The proposed change is not expected to adversely affect living conditions in the neighborhood;

Rezoning the parcel from M-4 (County), Limited Heavy Industrial District to B-3, Planned Business Center District is not expected to adversely affect living conditions in the neighborhood. Eliminating the M-4 (County), Limited Heavy Industrial District should improve living conditions now reviewed under the zoning regulations of the Town of Davie.

(e) The proposed change may not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

Rezoning the subject site from M-4 (County), Limited Heavy Industrial District to B-3, Planned Business Center District will not generate more traffic than what was anticipated by the plat "Westport Business Park Parcels A & B."

(f) The proposed change is not expected to adversely affect other property values;

The subject site and associated commercial buildings exist, and should not have a negative impact on the value of the adjacent properties.

(g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

The rezoning request is in accordance with existing land development regulations. Surrounding properties will be able to be developed in accordance with all existing land development regulations.

(h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

Rezoning the subject site does not give the owner a unique benefit that harms the welfare of the general public.

(i) There are substantial reasons why the property cannot be used in accord with existing zoning.

The existing M-4 (County), Limited Heavy Industrial District is not a valid Town of Davie zoning district. Therefore, as a condition of the site plan modification (SP 10-1-06), the Land Development Code requires the owner to rezone to a current Town of Davie District.

(j) The proposed rezoning may be the most appropriate designation to enhance the Town's tax base given the site's location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

Designating the subject site B-3, Planned Business Center District will allow for the parcel to be developed in a manner consistent with the future land use plan map, and hence, be the most appropriate designation to enhance the Town's tax base.

Staff finds that the rezoning request complies with the general purpose of the proposed B-3, Planned Business Center District. This rezoning request is in conformance with all applicable Codes and Ordinances and is consistent with the other surrounding zoning districts. Furthermore, this rezoning request can be considered compatible with the existing buildings and associated uses on and adjacent to the subject site.

Staff Recommendation

Staff finds the application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration subject to the following condition:

1. The property owner has offered to execute a declaration of restrictive covenant, recorded at Broward County Records, ensuring that the subject site not permitted uses consisting of Auction house, Adult arcade amusement center, Bingo establishments/Casinos/Gambling establishments, Bowling alley, Skating hall, Convenience stores, Dry cleaning plants, Game room, Arcade, Mobile home sales, Parking lot, Rental, Pawnshop, Sexually oriented business, and Tattoo parlors.

2. Provide an executed and recorded “Unity of Title” or “Unity of Development” showing same ownership of all subject parcels located within the Westport Plaza Shopping Center. Note, if subject parcels are ever individually sold off under different ownership, based on the Land Development Code’s Conventional Non-Residential Development Standards, the subject parcels are considered non-conforming and do not meet minimum technical requirements of the B-3, Planned Business Center District.
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Planning and Zoning Board Recommendation

At the September 26, 2007 Planning and Zoning Board meeting, Vice-Chair Stevens made a motion, seconded by Mr. Busey, to approve Rezoning Application, ZB 5-4-07 “Washington Mutual (Westport Plaza).” **(Motion carried 5-0)**

Town Council Action

At the October 17, 2007 Town Council meeting, Rezoning Application (ZB 5-4-07, Westport Business Park) was approved on the first reading. **(Motion carried 5-0)**

Exhibits

1. Justification Letter
 2. Sketch and Legal Description
 3. Proposed Site Plan
 4. Mail-out Map
 5. Mail-out
 6. Public Participation Notice
 7. Public Participation Sign-in Sheet
 8. Public Participation Report/Summary
 9. Future Land Use Plan Map
 10. Aerial, Zoning, and Subject Site Map
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Prepared by: _____

Reviewed by: _____

File Location: P&Z\Development Applications\Applications\ZB_Rezoning\ZB_07\ZB 5-4-07 Westport Business Park

Exhibit 1 (*Justification Letter*)

Justification for Re-Zoning

Request

The applicant is requesting to re-zone the subject site from M-4 (County Zoning District) to B-3 under the City's Zoning District.

Justification

- A. *The proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof.*

The proposed change is not contrary to the comprehensive plan. The underlying land use of the subject site is RAC (Regional Activity Center) and the permitted uses in the B-3 Zoning District are consistent with a RAC land use designation. Furthermore, establishing a commercial zoning district on major public thoroughfares (such as Nova Drive and Davie Road) is consistent with the policies established in the Comprehensive Plan and changing the zoning designation from that of Broward County to the Town furthers the goals of the Town's Comprehensive Plan.

- B. *The proposed change would create an isolated zoning district unrelated and incompatible with adjacent and nearby districts.*

The proposed change will not create an isolated zoning district unrelated and incompatible with nearby and adjacent districts. The subject site was originally located in unincorporated Broward County and had an M-4 zoning designation. The Town's B-3 Zoning District is similar in permitted uses to the County's zoning designation. Town Code requires that before any new development can occur on a site which has been incorporated into the Town the property must be allocated a Town's zoning district. This is what is being accomplished through the subject petition. Thus, the B-3 Zoning District is merely continuing and perpetuating the existing uses on the site while allowing continued redevelopment of the site to take place. This is both compatible and related to the nearby and adjacent districts.

- C. *Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.*

In this particular case the existing district boundaries are illogically drawn in relation to existing conditions. As mentioned previously, the subject site still retains its Broward County zoning designation. Town Code requires that before any new development can occur on a site which has been incorporated into the Town and has incorporated into the Town's Land Use Plan the property must be allocated a Town zoning district. Thus, the current zoning designation for the site is illogical and the Town's Code and prevents existing conditions from being improved or redeveloped.

- D. *The proposed change will adversely affect living condition in the neighborhood.*

The proposed change will not adversely affect living conditions in the neighborhood. The list of

permitted uses in the B-3 Zoning District are compatible with those use which are currently allowed under the County zoning designation for the property. In addition, the applicant has offered a voluntary Declaration of Restrictive Covenants which eliminates the more noxious uses from being allowed at the site. Thus, the proposed change allows development to occur on the property and maintains the existing uses at the site, thereby positively affecting living conditions in the neighborhood.

E. The proposed change will create or excessively increase automobile and vehicular traffic congestion, above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety.

The proposed change will not create any increase in automobile traffic above anything than what is currently permitted. As stated previously, the site currently has a County zoning designation and the property is required by Town Code to adopt a Town zoning designation. The list of uses between the two zoning districts is not any more intense nor is the square footage of the center being increased beyond anything which was previously permitted. Thus, the change in zoning designation does not add any traffic or other impacts above what was previously permitted.

F. The proposed change will adversely affect property values.

The proposed change will not adversely affect property values. The proposed change merely converts a County zoning designation to a City zoning designation, which allows the owner to continue to bring in new tenants and improve the shopping center. Additionally, the owner has offered a voluntary Declaration of Restrictive Covenants which eliminates the more objectionable uses from the list of permitted uses for the proposed zoning district, thereby further preserving or increasing property values.

G. The proposed change will be a deterrent to the improvement or development of other property in accord with existing regulations.

The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations. Those properties which have already received a Dave zoning designation can continue to be developed under their current regulations while those properties which continue to hold a County zoning designation will be forced to go through the same process as the owner. By re-zoning the property to a Town Zoning District the applicant and owner is actually assisting other properties with both improvements and development.

H. The proposed change will constitute a grant of a special privilege to an individual owner as contrasted with the welfare of the general public.

The proposed change in zoning district will not grant a special privilege to the individual property owner. The zoning change is being requested pursuant to Town Code. Currently the property is zoned under the County's zoning designation and the property was annexed into the Town of Davie and no Davie zoning district has been applied to the property. Before any type of development can occur on this property the property must first be given a Davie zoning designation. Thus, the re-

zoning is not creating a special privilege but is instead a requirement of Code.

- I. There are substantial reasons why the property cannot be used in accord with the existing zoning.*

Town Code prevents any further development from occurring on the property until the subject site is classified within the Town's zoning map. Thus, until the re-zoning occurs the property cannot be used in accordance with its existing zoning.

- J. The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.*

The proposed zoning designation is the most appropriate designation to enhance the Town's tax base. The property is located at the intersection of two major thoroughfares which is appropriate for a B-3 zoning designation. In addition, the existing shopping center use of the property is compatible with the proposed zoning designation, thereby allowing the existing uses of the property to remain and allowing the tax base to increase. If the property were rendered legally non-conforming and not allowed the same level of development or faced a restricted number of permitted uses the value of the property would decrease, thus negatively impacting the Town's tax base.

WESTPORT PLAZA

REMARKS:
PARCEL B
WESTPORT BUSINESS PARK
PARCELS A & B

COMMON BUILDING
(PREVIOUSLY EXISTING)

RETAIL

PARCEL B

PARCEL C
WESTPORT BUSINESS PARK
PARCELS A & B

DAVEY ROAD

NOVA DRIVE

SHEET 2 OF 2

KATHLEEN L. HALL LAND SURVEYING, INC.
3074 PAVAN LANE, SUITE 100
DALLAS, TEXAS 75243-4329
TEL: 214-343-0329
FAX: 214-343-0329

The site plan illustrates the layout of the Washington Mutual building and its surrounding parking and landscaping. The building, labeled "Washington Mutual 4,000 sf", is a large yellow rectangle. To its left is a parking lot with several spaces, some of which are marked with "STOP" signs. A road or driveway runs along the left side of the building, with arrows indicating traffic flow. To the right of the building is another parking lot, also with "STOP" signs. The entire site is bordered by a green area with various trees and shrubs. A north arrow is located in the upper right corner of the plan.

Exhibit 4 (Mail-out Map)



Exhibit 5 (Mail-out)

ZB 5-4-07
2800 DAVIE ROAD INC
19464 39 AVE
SUNNY ISLES FL 33160

ZB 5-4-07
BIC'S ENGINE SALES & SVCS INC
983 WINDWARD WAY
WESTON FL 33327

ZB 5-4-07
DIST BRD OF TRS BRWD JR COLLEGE
% MR PETER S ELLIOTT
225 E LAS OLAS BLVD
FORT LAUDERDALE FL 33301-2208

ZB 5-4-07
EQUITY ONE (WESTPORT) INC
1696 NE MIAMI GARDENS DR
N MIAMI BEACH FL 33179

ZB 5-4-07
FORMAN, H C & FORMAN, C R ET UXES
1850 ELLER DR STE 503
FORT LAUDERDALE FL 33316-4201

ZB 5-4-07
FORMAN, MILES AUSTIN TR &
FORMAN, HAMILTON C TR
PO BOX 640
FORT LAUDERDALE FL 33302

ZB 5-4-07
KOVAC, HARVEY P & JOAN H
2770 DAVIE ROAD
DAVIE FL 33314-3436

ZB 5-4-07
RACETRAC PETROLEUM INC
PO BOX 22845
OKLAHOMA CITY OK 73123-1845

ZB 5-4-07
SILVER OAKS MOBILE HOME PARK PRT
PO BOX 640
FORT LAUDERDALE FL 33302

ZB 5-4-07
WESTPORT BUSINESS PARK ASSOC
% PREMIER ASSET MANAGEMENT INC
2100 PARK CENTRAL BLVD STE 900
POMPANO BEACH FL 33064-2242

ZB 5-4-07
AMERICAN MARKETING WESTPORT LTD
% MILES A FORMAN
PO BOX 292037
DAVIE FL 33329-2037

ZB 5-4-07
CITY NAT'L BANK OF FL TRSTEE
%EQR - TAX DEPARTMENT
PO BOX 87407
CHICAGO IL 60680-0407

ZB 5-4-07
DISTRICT CABLEVISION LTD PRTR
% TAX DEPARTMENT
1500 MARKET ST
PHILADELPHIA PA 19102

ZB 5-4-07
FLORIDA RADIO REALTY INC
2340 SW 27 AVE
FORT LAUDERDALE FL 33312

ZB 5-4-07
FORMAN, M A & FORMAN, W H CO-TRSTE
SILVER OAKS LAND TRUST
PO BOX 292037
DAVIE FL 33329-2037

ZB 5-4-07
FORMAN, MILES AUSTIN TR &
FORMAN, HAMILTON C TR
PO BOX 292037
DAVIE FL 33329-2037

ZB 5-4-07
LOPEZ, NORBERTO H & EURIDICE M
% GROWERS EQUIPMENT CO
2695 SW 64 AVE
DAVIE FL 33314

ZB 5-4-07
SCHOOL BOARD OF BROWARD COUNTY
ATTN: FACILITY MANAGEMENT
600 SE 3 AVE
FORT LAUDERDALE FL 33301-3125

ZB 5-4-07
SOUTH FLORIDA WATER
MANAGEMENT
DISTRICT
PO BOX 24680
WEST PALM BEACH FL 33416-4680

ZB 5-4-07
ANCHOR DEVELOPMENT LLC
3707 W GARDENIA AVE
WESTON FL 33332

ZB 5-4-07
COLLEGE BUSINESS PARK LLC
3001 W HILLDALE BCH BLVD #300
PEMBROKE PARK FL 33009

ZB 5-4-07
EQUITY ONE (FLA PORTFOLIO) INC
1600 NE MIAMI GARDENS DR
NORTH MIAMI BEACH FL 33179

ZB 5-4-07
FORMAN INDUSTRIAL LAND L L C
888 SE 3 AVE STE 501
FORT LAUDERDALE FL 33316

ZB 5-4-07
FORMAN, MILES AUSTIN TR
EQUITY ONE (FLA PORTFOLIO) INC
1600 NE MIAMI GARDENS DR
NORTH MIAMI BEACH FL 33179

ZB 5-4-07
JOHNSON, DOUGLAS P
2924 DAVIE ROAD #202
DAVIE FL 33314

ZB 5-4-07
PAPACHRISTOS, ELIAS J FAM TR &
PAPACHRISTOS, VASSO D FAM TR
PO BOX 4900
SCOTTSDALE AZ 85261-4900

ZB 5-4-07
SILVER OAKS LAND TR
FORMAN, M A & FORMAN, W H TRSTES
PO BOX 292037
DAVIE FL 33314

ZB 5-4-07
SPECON IV LLC
% AMERADA HESS CORP/TD 09253
ONE HESS PLAZA
WOODBRIIDGE NJ 07095-0961

ZB 5-4-07
Current Occupant
2196 SW 84 AVE
Davie, FL 33317

ZB 5-4-07
Current Occupant
2221 NOVA DR
Davie, FL 33314

ZB 5-4-07
Current Occupant
2275 NOVA DR
Davie, FL 33314

ZB 5-4-07
Current Occupant
2531 DAVIE RD
Davie, FL 33317

ZB 5-4-07
Current Occupant
2535 DAVIE RD
Davie, FL 33317

ZB 5-4-07
Current Occupant
2535 DAVIE RD
Davie, FL 33317

ZB 5-4-07
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ZB 5-4-07
Current Occupant
2555 DAVIE RD
Davie, FL 33317

ZB 5-4-07
Current Occupant
2600 DAVIE RD
Davie, FL 33314

ZB 5-4-07
Current Occupant
2660 DAVIE RD
Davie, FL 33314

ZB 5-4-07
Current Occupant
2675 SW 64 AVE
Davie, FL 33317

ZB 5-4-07
Current Occupant
2695 DAVIE RD
Davie, FL 33317

ZB 5-4-07
Current Occupant
2697 DAVIE RD
Davie, FL 33317

ZB 5-4-07
Current Occupant
2700 DAVIE RD
Davie, FL 33314

ZB 5-4-07
Current Occupant
2750 SW 64 AVE
Davie, FL 33314

ZB 5-4-07
Current Occupant
2770 DAVIE RD
Davie, FL 33314

ZB 5-4-07
Current Occupant
2800 DAVIE RD
Davie, FL 33314

ZB 5-4-07
Current Occupant
2800 SW 64 AVE
Davie, FL 33314

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2855 DAVIE RD
Davie, FL 33317

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2900 DAVIE RD
Davie, FL 33314

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Current Occupant
2912 SW 64 AVE
Davie, FL 33314

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Current Occupant
2920 DAVIE RD
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2924 DAVIE RD
Davie, FL 33314

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Current Occupant
2990 SW 64 AVE
Davie, FL 33314

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Current Occupant
3000 DAVIE RD
Davie, FL 33314

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Current Occupant
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Davie, FL 33314

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Current Occupant
3003 SW 61 LN
Davie, FL 33314

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3020 SW 61 LN
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6079 SW 29 CT
Davie, FL 33314

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6089 SW 29 CT
Davie, FL 33314

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6096 SW 29 PL
Davie, FL 33314

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6109 SW 30 CT
Davie, FL 33314

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6117 SW 30 CT
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6125 SW 30 CT
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6133 SW 30 CT
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6141 SW 30 CT
Davie, FL 33314

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6149 SW 30 CT
Davie, FL 33314

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Current Occupant
6151 SW 30 CT
Davie, FL 33314

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Current Occupant
6201 PALM TRACE LANDINGS DR
Davie, FL 33314

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6201 PALM TRACE LANDINGS DR
Davie, FL 33314

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6241 PALM TRACE LANDINGS DR
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Davie, FL 33317

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6590 NOVA DR
Davie, FL 33314

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Exhibit 6 (*Public Participation Notice*)

MEETING NOTICE

July 27, 2007

Property Owner

Re: Citizen Participation Plan for Equity One Re-Zoning
Project Number: ZB 5-4-07

Dear Neighbor

This letter is to invite you to a citizen participation meeting relating to a proposed re-zoning of approximately 7.1 acres generally located at 6505 Nova Drive (the northwest corner of Davie Road and Nova Drive). The applicant is proposing to re-zone the property from the M-4 Zoning District (Broward County) to the B-3 Zoning District under the Town's Code. This is necessary because this property has recently been annexed into the Town of Davie. A survey of the property and a location map are enclosed.

Under a Town of Davie ordinance, the Petitioner is required to hold two (2) citizen participation meetings and send notice to all property owners within 1,000 feet of the subject site prior to the Town initiating their review of the application. We have scheduled the following meetings:

First Citizen Participation Meeting

Date: August 7, 2007
Time: 6:30 p.m.
Location: Pioneer Room, Davie Town Hall Complex, 6591 Orange Drive, Davie

Second Citizen Participation Meeting:


Date: August 14, 2007
Time: 6:30 p.m.
Location: Pioneer Room, Davie Town Hall Complex, 6591 Orange Drive, Davie

If you wish to submit written comments, please send them to:

Rod A. Feiner, Esq.
Coker & Feiner
1404 S. Andrews Ave.
Ft. Lauderdale, FL 33316
Telephone: (954) 761-3636

Also, please be advised that there will be additional opportunities for public input at the Town of Davie Public Hearings.

Sincerely,



ROD A. FEINER
For the Firm

Attachments: Location Map, Survey

Exhibit 7 (*Public Participation Sign-in Sheets*)

Exhibit 8 (Public Participation Report)

Law Offices
COKER & FEINER
1404 South Andrews Avenue
Fort Lauderdale, FL 33316-1840

Telephone: (954) 761-3636
Facsimile: (954) 761-1818

Richard G. Coker, Jr., P.A.
Rod A. Feiner

August 15, 2007

Town of Davie
Development Services Department
Planning & Zoning Division
6591 Orange Drive
Davie, FL 33314
Attn: Mr. David Abramson

Re: Citizen Participation Report for Equity One Re-Zoning

Dear Mr. Abramson:

Please be advised that as required by the Town of Davie, Land Development Code, Chapter 12, Division 7, we, the attorney for the Petitioner and the Petitioner, advertised, notified and invited all property owners surrounding the subject property within 1,000 feet of the subject site to attend two (2) Public Participation Meetings, located at 6591 Orange Drive, Davie, Davie Town Hall Complex, Pioneer Meeting Room, held on August 7 and August 14, 2007, with each meeting starting at 6:30 p.m. The above scheduled meetings were held, however none of the Town of Davie property owners attended. Be advised that prior to the meeting on August 14, 2007, at approximately 4:00 p.m. I did receive a phone call from the Property Manager of the neighboring residential rental community asking me about the project. When informed about the project the Property Manager expressed support for both the project and the re-zoning.

We, the Petitioner and the attorney for the Petitioner, hope that the above information fulfilled the requirements of the Public Participation Ordinance concerning this application for re-zoning process.

Very truly yours,



ROD A. FEINER
For the Firm

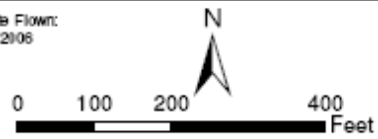
RAF:tms

c: Ken Choquette

Exhibit 9 (Future Land Use Map)



Date Flown:
12/20/06



Prepared by the Town of Davie GIS Division

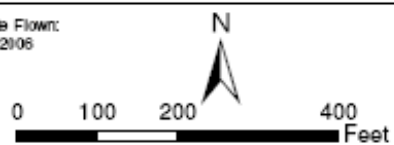
Rezoning
ZB 5-4-07
Future Land Use Map

Prepared by: ID
Date Prepared: 9/31/07

Exhibit 10 (*Aerial, Zoning, and Subject Site Map*)



Date Flown:
12/2/06



Prepared by the Town of Davie GIS Division

Rezoning ZB 5-4-07 Zoning and Aerial Map

Prepared by: ID
Date Prepared: 8/31/07

